IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 30516 of 2006(G)

PETITIONER:

SOJAN, AGED 34 YEARS,
S/O.JOSEPH, PULIKKUNNEL HOUSE,
ANACHAL KARA, KUNCHITHANNI VILLAGE,
DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.PADAYATTEE YELDO

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION,
REP. THROUGH THE GOVT. PLEADER,
HIGH COURT OF KERALA, ERNAKULAM.

2. INSPECTOR GENERAL OF POLICE,
CRIME BRANCH WING OF POLICE DEPARTMENT,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM,
THROUGH THE GOVT. PLEADER,
HIGH COURT OF KERALA, ERNAKULAM.

3. JOBY, AGED 32 YEARS,
S/O.PAULOSE, PADINJAREKATTU HOUSE,
MULLAKKANOM KARA, RAJAKKAD VILLAGE,
UDUMBANCHOLA TALUK.

BY P.P. SRI.PUZHAKKARA MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c). NO. 30516 OF 2006

Dated this the 27th day of November, 2006

ORDER

The petitioner's grievance is that a complaint filed by him before the learned Judicial Magistrate of the First Class, Adimaly which was referred to the police under Sec.156(3) of the Cr.P.C. was referred by the police under Ext.P5 refer report which has been acknowledged by him under Ext.P6.

2. The short grievance of the petitioner is that the reference has been made by the police unfairly and as no justification.

3. The crux of the allegations is that the petitioner is the registered owner of a vehicle which was the subject to a hire purchase agreement. The vehicle was transferred by the petitioner to the 3rd respondent as per an agreement. Under the terms of the agreement, he was to discharge the liability due to the financier/hire purchase owner. Without and before discharging the liability, the 3rd respondent has kept the vehicle away and the same is not now available to proceed against.

4. Ext.P6 notice has admittedly been served on the petitioner. The petitioner has the option to appear before the learned Magistrate and make his grievance about the alleged improper reference made by the Investigator. If the learned Magistrate does not accept his objections, he certainly has the right to file a protest complaint. In any view of the matter, I am not persuaded to agree, in the facts and circumstances of this case, that this is a fit case where the powers under Sec.482 of the Cr.P.C. can or ought to be invoked to direct any further investigation in the matter.

5. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge